IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Cont.Case(C).No.1247 of 2006(S)

ARISING FROM THE JUDGEMENT IN W.P.(C).NO.25076/2005 DATED 14/08/2006

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PETITIONERS/PETITIONERS 1, 3 TO 5, 7 & 8 IN W.P.(C):-

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1. SALIMANI K.K., W/O.ASHOKAN,
   AGED 38 YEARS, RESIDING AT HARIKRIPA
   KANAKKARI VILLAGE, MEENACHIL TALUK,
   KOTTAYAM, HSST (JUNIOR) ZOOLOGY, GOVERNMENT
   MODEL HIGHER SECONDARY SCHOOL, KOTTAYAM.

2. BINDU D., W/O. MURUKAN,
   AGED 36 YEARS, PUTHENPURAYIL HOUSE,
   MULAMTHURUTHY VILLAGE, ERNAKULAM TALUK,
   ERNAKULAM HSST (JUNIOR) ZOOLOGY, GOVT. MODEL
   HIGHER SECONDARY SCHOOL, PALAKKUZHA,
   ERNAKULAM DISTRICT.

3. SHINY K.P., W/O. V.B. JAMES,
   AGED 34 YEARS, VAZHAMATTOM HOUSE,
   KALAMASSERY VILLAGE, ERNAKULAM TALUK
   HSST (JUNIOR), ZOOLOGY, GOVERNMENT HIGHER
   SECONDARY SCHOOL, VENNALA, ERNAKULAM.

4. SURESH V.N., S/O.NARAYANAN NAIR,
   AGED 40 YEARS, VALIAVEETTIL HOUSE,
   KANAKKARI VILLAGE, MEENACHIL TALUK,
   HSST (JUNIOR), ZOOLOGY, GOVT.HIGHER
   SECONDARY SCHOOL, KUMARAKOM, KOTTAYAM DISTRICT.

5. Y.K. AJITHAKUMARI, W/O.P.K.SUNILKUMAR
   AGED 34 YEARS, THOTTASSERY HOUSE,
   VADAKKUMBHAGAM VILLAGE, ALWAYE TALUK
   HSST (JUNIOR) BOTANY, GOVERNMENT
   RSRVHSS, VELUR, TRISSUR.

6. SEENA. M. CHANDRAN, D/O.M. CHANDRAN,
   AGED 37 YEARS, SS MANDIRAM, AMBALLUR VILLAGE,
   ERNAKULAM TALUK HSST (JUNIOR), BOTANY
   GMHSS, PALAKUZHA, ERNAKULAM DISTRICT.

BY ADV. SRI.K.BABU THOMAS

RESPONDENT/2ND RESPONDENT:-
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* 1. N. MURUKAN ACHARY, S/O. NOT KNOWN TO
THE PETITIONER, AGED ABOUT 50 YEARS,
DIRECTOR, HIGHER SECONDARY EDUCATION,
DIRECTORATE OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDINGS, TRIVANDRUM-1 (SUBSTITUTED).

ADDITIONAL 2ND RESPONDENT:-

V.KARTHIKEYAN,
(S/O. NOT KNOWN TO THE PETITIONERS),
AGED ABOUT 50 YEARS,
DIRECTOR, HIGHER SECONDARY EDUCATION,
DIRECTORATE OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDINGS, TRIVANDRUM - 1.

(IMPLEADED AND SUBSTITUTED
AS PER ORDER DATED 26.2.2007 IN I.A.NO.134 OF 2007).

BY SENIOR GOVERNMENT PLEADER SMT.MEERA.

THIS CONTEMPT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

H.L.Dattu,C.J. & K.T.Sankaran,J.

Cont. Case (C).No.1247 of 2006-S

Dated, this the 19th day of June, 2007

JUDGMENT

H.L.Dattu,C.J.

The petitioners in this contempt petition filed under Sections 11 and 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India have urged that the respondent in the petition has wilfully and deliberately disobeyed the orders and directions issued by this Court in W.P.(C).No.25076 of 2005 dated 14.08.2006 and W.A.No.1000 of 2006 dated 18.07.2006. According to the petitioners, this Court had issued positive directions to the respondent and those directions have been disobeyed.

2. After service of notice, the respondent has entered his appearance and has filed his detailed counter affidavit and along with that he has produced two orders, No.Ad.C2/18845/HSE(Z)/2006 dated 13.11.2006 and No.Ad.C2/18845/HSE(B)/2006 dated 13.11.2006.

3. Having gone through those orders, we are of the opinion that there is neither a wilful nor a deliberate disobedience of the orders of this Court. In view of that, we do not intend to take cognizance of the contempt petition filed by the complainant. Therefore, the proceedings are dropped for the present. However, liberty is reserved for the petitioners, if

they so desire, to question the correctness or otherwise of the orders passed by the respondent No.Ad.C2/18845/HSE(Z)/2006 dated 13.11.2006 and No.Ad.C2/18845/HSE(B)/2006 dated 13.11.2006 before an appropriate forum in appropriate proceedings.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-